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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

vs.

JOHN DOE subscriber assigned IP address
73.252.213.89,

Defendant.

Case Number: 5:17-cv-05963-NC

**PLAINTIFF'S *EX-PARTE* MOTION FOR
ADJOURNMENT OF THE INITIAL
CASE MANAGEMENT CONFERENCE**

Plaintiff, Strike 3 Holdings, LLC ("Plaintiff"), moves for entry of an order adjourning the Initial Case Management Conference scheduled for January 17, 2018, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On October 31, 2017, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP to obtain the Defendant's identifying information [CM/ECF 10]. Plaintiff issued the subpoena on or about November 2, 2017 and received the ISP's response on or about December 23, 2017.

1 3. Pursuant to the Court's Initial Case Management Scheduling Order dated
2 October 18, 2017, there is a Case Management Conference scheduled for January 17, 2018 at
3 10:00 am [CM/ECF 6].

4 4. Plaintiff is currently in the process of investigating the matter and is in
5 continuing discussions with Defendant's counsel, Nicholas Ranallo, in an effort to determine
6 whether to proceed with the litigation. Plaintiff notified Defendant's counsel of its intention to
7 file a request for an adjournment of the Case Management Conference and Defendant's counsel
8 confirmed that he has no objection to Plaintiff's request, and that he will file an appearance if
9 his client is formally served with the Complaint.

10 5. For the foregoing reasons, Plaintiff respectfully requests an adjournment of the
11 Initial Case Management Conference until after Defendant has been served with the amended
12 complaint.

13 6. This motion is made in good faith and not for the purpose of undue delay.

14 7. This is Plaintiff's first request for an adjournment. None of the parties will be
15 prejudiced by the granting of this adjournment.

16 WHEREFORE, Plaintiff respectfully requests Initial Case Management Conference
17 currently scheduled for January 17, 2018 be adjourned until after the Defendant has been named
18 and served with the amended complaint. A proposed order is attached for the Court's
19 convenience.

20 Dated: January 10, 2018

Respectfully submitted,

21 By: /s/ Lincoln D. Bandlow
22 Lincoln D. Bandlow, Esq.
23 FOX ROTHSCHILD LLP
24 Attorney for Plaintiff
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